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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,870	08/25/2005	Jens Jakobsen	915-006.68	2379

4955 7590 11/27/2007

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EXAMINER

GADDY, BENJAMINE

ART UNIT

PAPER NUMBER

4181

MAIL DATE

DELIVERY MODE

11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,870

Applicant(s)

JAKOBSEN ET AL.

Examiner

Benjamin E. Gaddy

Art Unit

4181

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 12/03/2004

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Voice-controlled data access in and control of a mobile communication device via speech recognition."

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7, 8, and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7, 8, and 9 are hybrid claims. They depend from a claim to a method (claim 1) but attempt to claim other statutory categories. This may be corrected by listing claims 7, 8, and 9 as independent claims and including the limitations specified in claim 1. For purposes of examination, it will be assumed that claims 7, 8, and 9 have been modified in such a way.

Furthermore, claims 7, 8, and 9 are directed towards a computer tool, computer program, and computer program product, respectively. None of these fall into an appropriate statutory category. This may be corrected by claiming a computer readable article of manufacture, and examples of statutory preambles include: "a computer readable medium encoded with computer executable instructions" or "a computer readable medium having a stored computer program."

For the purposes of examination, it will be assumed that the applicant intended to claim a computer-readable article of manufacture embodying the claimed code.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerson (US 6,868,385) in view of Waibel (5,855,000).

Consider claims 1, 7, 8, and 9 (and the above 101 rejection): Gerson discloses handling data records of a mobile communication device (see Col. 2, lines 10-15, where Gerson discusses subscriber units), wherein at least one pre-stored voice tag is assigned to each of said data records, wherein said voice tags are employed for speech recognition to enable selection of said data records by speech input and recognition on the basis of said voice tags (see Col. 10, lines 5-10, where Gerson discusses a list of predetermined utterances); wherein said data records comprise a first set of data records and a second set of data records, wherein both sets of data records relate to different applications of said communication device (see Col. 13, lines 1-5, where Gerson discusses multiple information signals and Col. 10,

lines 1-5, where Gerson discusses various applications); said method comprising: receiving an initial user input causing said mobile communication device to be prepared for receiving an acoustic input to perform said speech recognition thereon **(see Col. 7, lines 18-30, where Gerson discusses an interrupt indicator);** receiving a first manual user input by a multiple switching component, which is capable to exhibit a first input value and a second input value **(see Col. 7, lines 25-35, where Gerson discusses an input device);** using a list of said first or said second set of data records in accordance with said first input signal and said second input signal of said first user input **(see Col. 13, lines 5-10, where Gerson discusses an indexed database of numbers);** receiving a second manual user input identifying one data record of said data records **(see Col. 13, lines 33-40, where Gerson discusses additional user input);** and transmitting an instruction comprised in said identified data record to at least one application of a plurality of applications executable on said mobile communication device **(see Col. 10, lines 1-5, where Gerson discusses passing to applications).**

Gerson does not specifically disclose displaying a list, however Waibel discloses displaying a list **(see Col. 9, lines 55-67, where Waibel discusses an n-best list, and Col. 5, lines 63-67, where Waibel discusses displaying).** It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Gerson, and use displaying a list as taught by Waibel, thus allowing repair of an error in recognition, as discussed by Waibel **(see Col. 9, lines 55-67).**

Consider claim 10: Gerson discloses a mobile communication device for handling data records of a mobile communication device which are selectable by speech input and recognition **(see Col. 2, lines 10-15, where Gerson discusses subscriber units),** comprising:

a plurality of applications executable on said mobile communication device (**see Col. 10, lines 1-5, where Gerson discusses various applications**); at least one pre-stored voice tag for speech recognition is assigned to each of said data records having assigned, wherein said voice tags are employed for speech recognition to enable selection of said data records by speech input and recognition on the basis of said voice tags (**see Col. 10, lines 5-10, where Gerson discusses a list of predetermined utterances**); said data records comprising a first set of data records and a second set of data records, wherein both sets of data records relate to different applications of said communication device (**see Col. 13, lines 1-5, where Gerson discusses multiple information signals and Col. 10, lines 1-5, where Gerson discusses various applications**); a speech recognition component for recognizing acoustic input via a microphone resulting in a selection of one of said data records in accordance with said acoustic input (**see Col. 9, lines 30-35, where Gerson discusses a speech recognition front-end**); a first actuator for activating said speech recognition component (**see Col. 7, lines 18-30, where Gerson discusses an interrupt indicator**); a second actuator being a said multiple switching component capable to generate a first input signal and a second input signal, said second actuator being operable with said speech recognition mode component using a list of said first or said second set of said data records on in accordance with said first input signal and said second input signal (**see Col. 13, lines 33-40, where Gerson discusses additional user input**); and a third actuator for selecting one data record of said list and for transmitting an instruction comprised in said selected data record to at least one of the plurality of applications to be operated in accordance with said instruction (**see Col. 10, lines 1-10, where Gerson discusses a detector application ascertaining, therefore actuating**).

Gerson does not specifically disclose displaying a list, however Waibel discloses displaying a list (see Col. 9, lines 55-67, where Waibel discusses an n-best list, and Col. 5, lines 63-67, where Waibel discusses displaying). It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Gerson, and use displaying a list as taught by Waibel, thus allowing repair of an error in recognition, as discussed by Waibel (see Col. 9, lines 55-67).

Consider claims 2 and 11: Gerson discloses data records of said first set each comprise at least one instruction dedicated to a dialing application for dialing a telephone number comprised in said instruction, wherein said first set of data records represents a selection of telephone directory entries (see Col. 13, lines 5-20, where Gerson discusses establishing a telephone call), wherein data records of said second set each comprise at least one instruction dedicated to control functions of one or more further applications executed on said mobile communication device in accordance with said instruction, wherein said second set of data records represents a selection of device functions and device application functions (see Col. 13, lines 10-15, where Gerson discusses a control signal).

Consider claims 3 and 12: Gerson discloses at least one designation is assigned to each of the data records, said designation being displayable (see Col. 13, lines 45-50, where Gerson discusses user data).

Gerson does not specifically disclose displaying, however Waibel discloses displaying (see Col. 5, lines 63-67, where Waibel discusses displaying). It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Gerson, and

use displaying as taught by Waibel, thus allowing feedback, as discussed by Waibel (**see Col. 5, lines 43-46**).

Consider claims 4 and 13: Gerson discloses displaying an indication to said user that an alternative manual user input is operable when receiving said initial user input (**see Col. 7, lines 60-65, where Gerson discusses an annunciator**).

Consider claims 5, 6, 14 and 15: Gerson and Waibel disclose displaying at least one data record of said list of said first set of data records (**see Col. 5, lines 63-67, where Waibel discusses displaying**); receiving a browsing input capable to exhibit a first browsing value and a second browsing value (**see Col. 7, lines 25-35, where Gerson discusses an input device**); in case said browsing input corresponds to said first browsing value, displaying at least one data record subsequent to said at least one displayed data record; and in case said browsing input corresponds to said second browsing value, displaying at least one data record preceding to said at least one displayed data record (**see Waibel, Figure 9, and see Col. 9, lines 55-67, where Waibel discusses an n-best list**).

Consider claim 16: Gershon and Waibel disclose a second actuator is able to generate at least two different signals upon input of a user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Gaddy whose telephone number is (571) 270-5134. The examiner can normally be reached on M-TH 9am - 4pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin E. Gaddy

/Benjamin E Gaddy/

Examiner, Art Unit 4181

/Nick Corsaro/

Supervisory Patent Examiner, Art Unit 4181